

Fur Farming (Prohibition) (Scotland) Act 2002



2002 asp 10

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The Bill for this Act of the Scottish Parliament was passed by the Parliament on 6th March 2002 and received Royal Assent on 11th April 2002

An Act of the Scottish Parliament to prohibit the keeping of animals solely or primarily for slaughter for the value of their fur; to provide for the making of payments in respect of the related closure of certain businesses; and for connected purposes

1 Offences relating to fur farming

(1) Any person who keeps animals solely or primarily-

(a) for slaughter (whether by that person or another) for the value of their fur, or

(b) for breeding progeny for such slaughter,

is guilty of an offence.

(2) Any person who causes or permits another person to keep animals as mentioned in subsection (1) is guilty of an offence.

(3) The references in subsection (1) to keeping animals for slaughter and to breeding progeny for slaughter include keeping or (as the case may be) breeding them for sale for slaughter.

(4) Where an offence under this section has been committed by a body corporate and it has been committed with the consent or connivance of, or is attributable to the neglect of, a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity, that person as well as the body corporate is guilty of the offence.

(5) Where an offence under this section has been committed by a Scottish partnership and it has been committed with the consent or connivance of, or is attributable to the neglect of, a partner, that partner as well as the partnership is guilty of the offence.

(6) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding £20,000.

2 Forfeiture orders

(1) Where a person is convicted of an offence under section 1(1), the court may make a forfeiture order in respect of animals of any type to which the offence related which are kept by that person when the order is made or which come into that person's keeping during the relevant period.

(2) Where a person is convicted of an offence under section 1(2) in respect of animals kept by another person, the court may make a forfeiture order in respect of animals of any type to which the offence related which are kept by that other person when the order is made or which come into that other person's keeping during the relevant period.

(3) In subsections (1) and (2), the "relevant period" is the period beginning with the making of the forfeiture order and ending with the destruction or other disposal of the animals in pursuance of the order.

(4) For the purposes of this Act, a forfeiture order is an order for the forfeiture and destruction or other disposal of the animals to which the order applies (including any subsequent progeny of those animals).

(5) A forfeiture order operates so as to deprive any person of that person's rights in the animals.

(6) The court may make a forfeiture order whether or not it also deals with the offender in respect of the offence in any other way.

(7) In deciding whether to make a forfeiture order, the court must take into account any representations made to it by any person who has an interest in any animals to which the order may apply.

(8) Any person who has an interest in any animals in respect of which the court has made a forfeiture order may appeal to the High Court of Justiciary against the order within the period of 7 days beginning with the date of the order.

3 Enforcement of forfeiture orders

(1) Where the court makes a forfeiture order, it may in particular-

(a) appoint a person to carry out the order,

(b) impose requirements on any person in relation to the keeping of the animals concerned pending their destruction or other disposal,

(c) order the offender to pay such sum as it may determine to be the reasonable expenses of carrying out the order and, where the offender does not keep the animals, of keeping them pending their destruction or other disposal,

(d) make such provision as it considers appropriate in relation to the operation of the order pending the making or determination of any appeal or application relevant to the order.

(2) Section 221 (recovery of fines by civil diligence) of the Criminal Procedure (Scotland) Act 1995 (c.46) applies to the recovery of any sums ordered to be paid under subsection (1)(c) as it applies to fines ordered to be recovered by civil diligence in pursuance of that Act.

(3) A forfeiture order must not be carried out-

(a) before the end of the period within which an appeal may be made under section 2(8),

(b) where such an appeal is made, before the date on which it is determined or abandoned.

4 Powers of entry and enforcement

(1) A person authorised in writing by the Scottish Ministers (whether generally or in a particular case) may at any reasonable time enter any premises on which that person has reasonable grounds for suspecting that an offence under section 1(1) has been or is being committed and may inspect the premises and any animals or things found there.

(2) A person appointed by the court under section 3(1)(a) may at any reasonable time enter any premises on which that person has reasonable grounds for suspecting that animals to which the order applies are being kept, and exercise that person's powers under the order.

(3) A person acting in pursuance of subsection (1) or (2) must, if required by or on behalf of the owner or occupier or person in charge of the premises-

(a) produce evidence of that person's identity and authority or (as the case may be) appointment,

(b) state in writing that person's reasons for entering.

(4) Any person who intentionally obstructs or delays a person acting in pursuance of subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) In this section-

"premises" includes any place other than a house,

"house" means any building for the time being used as a private dwelling but does not include any garage, outhouse or other structure (whether or not forming part of that building) which belongs to or is usually enjoyed with the house.

5 Compensation for affected businesses

(1) The Scottish Ministers may by order make a scheme for the making of payments by them to persons in respect of losses (of any kind) incurred by such persons as a result of ceasing, by reason of the enactment or coming into force of section 1, to carry on their businesses so far as they consist of activities prohibited by that section.

(2) Any such scheme must, in particular-

(a) specify the losses in respect of which payments are to be made,

(b) specify the businesses in respect of which payments are to be made,

(c) specify the basis of valuation for determining losses,

(d) specify the amounts of payments to be made or the basis on which such amounts are to be calculated,

(e) provide for the procedure to be followed (including the time within which claims must be made and matters relating to the provision of information) in respect of claims under the scheme and for the determination of such claims,

and may make different provision for different cases or descriptions of case.

(3) The order making any such scheme may provide for any dispute as to a person's entitlement to payments under the scheme, or the amount of any such payment, to be determined by the Lands Tribunal for Scotland on such basis and subject to such procedure as the order may specify.

(4) Before making any such scheme, the Scottish Ministers must consult such persons as they consider may be entitled to payment under the scheme and such organisations as appear to them to represent such persons.

(5) Any order made under this section is to be made by statutory instrument and is subject to annulment in pursuance of a resolution of the Scottish Parliament.

6 Commencement and short title

(1) The preceding sections of this Act come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.

(2) This Act may be cited as the Fur Farming (Prohibition) (Scotland) Act 2002.



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